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Statutory Notifications and Orders issued by
Heads of Departments.

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

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NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

JUDICIAL NOTIFICATIONS

The Madras High Court Video-Conferencing in Courts Rules, 2020.

(R.O.C. No. 29030A/2020/Comp9)

No.SRO C-7/2020.

Whereas it is necessary and expedient to enable and regulate the conduct of proceedings by courts and tribunals through video conferencing; and

In exercise of powers under Articles 225 and 227(2)(b) of the Constitution of India, Section 122 of the Code of Civil Procedure, 1908, Section 477(1)(d) of the Code of Criminal Procedure, 1973, Clauses 37 and 38 of the Letters Patent and all other powers enabling and with the approval of the Governments of Tamil Nadu and Puducherry, the High Court of Judicature at Madras makes the following Rules:

1. Preliminary: Title, Application and Commencement

- (1) These Rules shall be called the "Madras High Court Video Conferencing in Courts Rules, 2020".
- (2) These Rules shall apply to all courts and tribunals (except tribunals established by Acts of Parliament) situated in the territory of Tamil Nadu and the Union Territory of Puducherry and functioning under the supervisory jurisdiction of the High Court of Judicature at Madras.
- (3) These Rules shall come into effect on such date as the High Court of Judicature at Madras may appoint by notifications in the Tamil Nadu and Puducherry Government Gazettes.

2. Definitions

In these Rules, unless the context otherwise requires:

- (1) "Advocate" means an advocate as defined under the Advocates Act, 1961 and shall include officers of the department of prosecution.
- (2) "Applicable Law" means any Act and Rules there-under (whether substantive or procedural) that apply to a Court as defined herein or to proceedings therein.
- (3) "Authorized Representative" means any person including a Presenting Officer who is authorized under Applicable Law to represent a party to litigation before courts and/or tribunals.
- (4) "Chief Justice" means the Chief Justice of the High Court of Judicature at Madras.
- (5) "Commissioner" means a person appointed as commissioner under the provisions of Code of Civil Procedure, 1908¹, or the Code of Criminal Procedure, 1973², or under any Applicable Law.
- (6) "Coordinator" means a person nominated as coordinator to assist and facilitate video conferencing by the Court for the Court Site or Remote Site.
- (7) "Court" for the purposes of these Rules, whether functioning physically or by video conference, shall mean the Principal Bench of the Madras High Court, the Madurai Bench of the Madras High Court, all subordinate courts in Tamil Nadu and the Union Territory of Puducherry and all tribunals within the territorial jurisdiction of the High Court of Judicature at Madras, except tribunals established under Acts of Parliament.
- (8) "Court Site" means the Courtroom or any other place(s) where the Judge(s)/Presiding Officer(s) is/are physically present, or the place where a Commissioner or an Inquiring Officer holds proceedings pursuant to the directions of the Court.
- (9) "Court User" means a person entitled or permitted to participate in Court proceedings through video conferencing at a Court Site.
- (10) "Designated Video Conferencing Technology" means any software and/or hardware approved by the High Court from time to time to conduct video conferencing.
- (11) "Judicial Proceedings" mean proceedings before a Court.
- (12) "Justifiable Circumstances" mean circumstances under which it is not practicable, in the opinion of the Court concerned, to conduct court proceedings as per standard practice and includes, illustratively, pandemics, natural calamities, local unrest, law and order issues, matters relating to health or safety or any other circumstance whatsoever on account of which Court Users or Remote Users cannot be physically present in Court.

- (13) "Live Link" means an audio-visual link provided to Participants through any technological method to enable live and near simultaneous audio-visual communication between the Court Site and Remote Site.
- (14) "Participant" means:
- (a) A party to the proceeding;
 - (b) witness or person to be examined ;
 - (c) an Advocate, including Senior Advocate;
 - (d) an Authorized Representative as defined herein; and
 - (e) any other person who is required or permitted to be present by the Court during video conferencing.
- (15) "Practice Directions-VC" shall mean directions issued from time to time by the Chief Justice for the effective and efficient conduct of proceedings by Courts through Video-conference.
- (16) "Remote Site" means place(s), other than the Court Site, from where a Remote User participates in Judicial Proceedings by Videoconferencing.
- (17) "Remote User" means a person permitted to and participating in Judicial Proceedings through video conferencing from a Remote Site.
- (18) "Rules" shall mean the Madras High Court Video Conferencing in Courts Rules and any reference to a Rule, sub-rule or Schedule shall be a reference to a Rule, sub-rule or Schedule of these rules.
- (19) "Tribunal" means and includes all tribunals under the supervisory jurisdiction of the High Court of Judicature at Madras except those established by Acts of Parliament.
- (20) "Video-conferencing" means live and near simultaneous audio-visual communication by and between the Court and Remote Users by the use of Designated Video Conferencing Technology.

3. General Principles Governing Video-Conferencing

- (1) These Rules are supplementary to the Applicable Law, which shall apply *Mutatis Mutandis* to Judicial Proceedings by Video-Conference. In the event of conflict between these Rules and Applicable Law, including procedural laws and rules, Applicable Law shall prevail to the extent of repugnancy.
- (2) In Justifiable Circumstances, except to the extent excluded or prohibited by these Rules, Video-Conferencing may be used at all or any stage of Judicial Proceedings and the transcript or order sheet shall specify that the proceeding was by video-conference.
- (3) The following Judicial Proceedings shall not be conducted by Video-Conferencing:
- (a) The recording of judicial confessions of the accused;
 - (b) The recording of settlements and pronouncement of Awards in Lok Adalats or Jail Adalats
- (4) Only Designated Video-Conferencing Technology shall be used for Video-Conferencing both at the Court and Remote Site.
- (5) All proceedings conducted by a Court by way of Video-Conferencing shall be Judicial Proceedings and all the courtesies and protocols applicable to proceedings in physical Courts shall apply *Mutatis Mutandis*.
- (6) Practice Directions-VC shall be substantially complied with regard to Judicial Proceedings conducted by way of video conferencing.
- (7) These Rules as applicable to a Court shall *Mutatis Mutandis* apply to a Commissioner appointed by the Court to record evidence and to an inquiry officer conducting an inquiry.
- (8) There shall be no unauthorised recording of Judicial Proceedings by any person.
- (9) All Participants shall provide identity proof as recognised by the Government of India/State Government/Union Territory to the Coordinator at the Court Site *via* personal email. In case identity proof is not readily available the person concerned shall furnish the following personal details: name, parents's/spouse's name and permanent address, as also, temporary address, if any.

4. Application for conduct of Court proceedings through Video Conferencing:

- (1) The Court may, *Suo Moto*, or on the application of a party or witness decide to conduct the Judicial Proceeding by Video-conference.
- (2) An application for Video-conferencing shall be supported by an affidavit evidencing the Justifiable Circumstances, and all relevant particulars of the proposed Remote Site.

- (3) Except in case of urgent applications for ex parte ad interim orders, the Court shall decide such application after serving notice to and hearing all parties concerned in accordance with these Rules.
- (4) An order permitting the conduct of Judicial Proceedings through Video-Conferencing may:
 - (a) fix the date, time and schedule of the Video-Conference;
 - (b) appoint a co-ordinator at the Court Site and, where appropriate, at the Remote Site;
 - (c) enable public participation, through media representation or otherwise, at such hearings;
 - (d) provide for in-camera hearing at the Court and Remote Site;
 - (e) direct the payment of costs of Video-Conferencing and fix the time for payment thereof;
 - (f) where the hearing is for purposes of examining a witness or accused, specify the manner of transmission and authentication of the deposition and documents to and from the Court Site and Remote Site and for the exhibition thereof;
 - (g) issue further directions as may be considered necessary, incidental or ancillary to the conduct of hearings by Video-Conference.

5. Service of Summons

- (1) Summons issued to a witness, who is to be examined through Video-Conferencing, shall mention the date and time of the video-conference and the venue of the relevant Remote Site and shall direct the witness to attend in person along with proof of identity or an affidavit to that effect. It shall also provide contact details of the Court Site Coordinator so as to enable the witness to obtain the Live Link.
- (2) The existing rules regarding service of summons and the consequences for non-attendance, as provided in applicable procedural laws and rules, shall apply with respect to service of summons for proceedings conducted by Video-Conferencing.

6. Conduct of certain criminal proceedings by Video-Conferencing

- (1) The Court may, at its discretion, authorize police custody or extension of remand of an accused by Video -Conferencing.
- (2) The Court may, in exceptional circumstances, for reasons to be recorded in writing, examine a witness or an accused under Section 164 of the Cr.P.C (except judicial confessions) through Video-Conferencing, while observing all due precautions to ensure that the witness or the accused, as the case may be, is not under any form of coercion, threat or undue influence. The Court shall ensure compliance with Section 26 of the Evidence Act, 1872.

7. Examination of Witnesses/Persons

- (1) Any person being examined, including a witness, shall, before being examined from a Remote Site through Video-Conferencing, produce and file a proof of identity by submitting an identity document issued or duly recognized by the Government of India, State Government, Union Territory, or in the absence of such a document, an affidavit attested by any of the authorities referred to in Section 139 of the Code of Civil Procedure or Section 297 of the Code of Criminal Procedure , as the case may be. The affidavit must *Inter Alia* state that the person, who is shown to be the person to be examined as a witness, is the same person who is to depose at the virtual hearing. A copy of the proof of identity or affidavit, as the case may be, will be made available to the opposite party.
- (2) The person being examined will ordinarily be examined during Court hours or at such time as the Court may deem fit. The oath will be administered to the person being examined by the Coordinator at the Court Site.
- (3) The Court shall obtain the signature of the person being examined once such examination is concluded and the signed deposition shall form part of the record of the Court. The following procedure shall be followed for the above purpose:
- (4) If digital signatures are available at both the Court and Remote Site, upon conclusion of such examination, the soft copy of the deposition shall be transmitted electronically forthwith in a non-editable scanned format by the Coordinator at the Court Site to the Remote Site. Upon receipt, it shall be digitally signed by the witness and duly certified by the Coordinator at the Remote Site and re-transmitted forthwith in a non-editable scanned format to the official email of the Court Site. Upon receipt of the same, the soft copy of such deposition shall be digitally signed by the judge/presiding officer at the Court Site and form part of the Court records. The hard copy of the deposition, signed by the witness and duly certified by the Coordinator at the Remote Site, should be dispatched after each hearing is concluded, preferably within three days thereof, by the Coordinator at the Remote Site to the Court Site by recognised courier/registered post. Upon receipt, it shall be signed by the judge/presiding officer, who shall compare the hard copy with the soft copy and, if identical, make the following

endorsement: "verified and compared with the scanned copy and found to be identical".

- (5) If digital signatures are not available, the deposition shall be transmitted electronically forthwith in a non-editable scanned format by the Coordinator at the Court Site to the Remote Site. Upon receipt, the print-out of the deposition shall be signed by the witness, duly certified by the Coordinator at the Remote Site and re-transmitted forthwith electronically in a non-editable format by the Coordinator at the Remote Site to the official email account of the Court, where a printout of the same should be taken, signed by the judge at the Court Site, and be made a part of the Court record. The hard copy should also be dispatched preferably within three days thereof by the Coordinator at the Remote Site to the Court by recognised courier/registered post. Upon receipt, it shall be signed by the judge/presiding officer, who shall compare the hard copy with the scanned copy and, if identical, make the following endorsement: "verified and compared with the scanned copy and found to be identical".
- (6) An audio-visual recording of the examination shall be made at the Court Site and preserved. If feasible, an encrypted master copy with hash value shall be retained as a part of the record.
- (7) The Court may, at the request of a person to be examined, or on its own motion, taking into account the best interests of the person to be examined, direct appropriate measures to protect the privacy of the person examined bearing in mind aspects such as age, gender, physical condition and recognized customs and practices.
- (8) The Coordinator at the Remote Site shall ensure that no unauthorized person is present at the Remote Site and that the witness is not assisted or tutored during the examination.
- (9) The examination shall, as far as practicable, proceed without interruption or the grant of unnecessary adjournments. However, the Court or the Commissioner, as the case may be, will be at liberty to determine whether an adjournment should be granted, and if so, on what terms.
- (10) The Court may also impose such other conditions as are necessary in a given set of facts for effective conduct of the examination.

8. Reference to and exhibition of Documents

- (1) If in the course of examination of a witness at a Remote Site by Video-Conferencing, it is necessary for a witness to refer to or for the Advocate or Authorized Representative to confront a witness with a document, the Court may permit the document to be disclosed in the following manner:
 - (a) If the document is at the Court Site, by transmitting a copy or image of the document to the Remote Site electronically, including through a document visualizer; or
 - (b) If the document is at the Remote Site, by transmitting a copy/image of the same to the Court electronically, including through a document visualizer, and contemporaneously putting it to the witness.
- (2) The hard copies of all documents, which the Court decides to exhibit, whether subject to objections or otherwise, shall be appropriately endorsed as follows:
 - (a) If the document is at the Remote Site, by the Coordinator at the Remote Site with the document number assigned by the Court, and dispatched thereafter to the Court *via* authorized courier/registered post, preferably within three days of the conclusion of the hearing.
 - (b) If the document is at the Court Site, by the Coordinator at the Court Site with the document number assigned by the Court.
- (3) The provisions of the Evidence Act, 1872 with regard to the production of primary and secondary evidence shall remain applicable.

9. Enabling the public to view proceedings

- (1) Except proceedings ordered, for reasons recorded in writing, to be conducted *in-camera*, the Court shall endeavour to provide public viewing (consistent with available bandwidth) .
- (2) Where, for any reason, a person unconnected with the case is present at the Remote Site, that person shall be identified by the Coordinator at the Remote Site at the start of the proceedings and the purpose of the presence of that person shall be conveyed to the Court. Such a person shall continue to remain present only if permitted by the Court.

10. Reference to Words and Expressions

Words and expressions used but not defined in these Rules shall have the meaning, if any, ascribed to them in any Applicable Law.

11. Practice Directions

The Chief Justice may from time to time issue, amend and withdraw Practice Directions-VC for the effective and efficient conduct of Judicial Proceedings through Video-Conferencing and for the regulation thereof .

12. Power to Remove Difficulties

The High Court may, if satisfied that the operation of any Rule is causing undue hardship, by an order dispense with or relax the requirements of that Rule to such extent and subject to such conditions, as may be stipulated, to deal with the case in a just and equitable manner.

13. Residual Provisions

Matters with respect to which no express provision has been made in these Rules, shall be decided by the Court consistent with the principle of furthering the interests of justice.

14. Repeal and Savings

- (1) The Madras High Court Video Conferencing Rules 2018 shall stand repealed with effect from the date of coming into force of these Rules in Tamil Nadu and the Union Territory of Puducherry, respectively.
- (2) Such repeal shall not affect the validity of proceedings commenced and completed under the repealed rules or pending as of the date of entry into force of these Rules. Such pending proceedings shall be deemed to have been undertaken under these Rules and may be proceeded with on that basis.

PRACTICE DIRECTIONS- VC NO.1**1. Preliminary**

- 1.1. Advocates shall be appropriately dressed in professional attire prescribed under the Advocates Act, 1961 subject to any dispensation in that regard. Police officials shall appear in the uniform prescribed for police officials under the relevant statute or orders. The attire for Judicial Officers and Court Staff will be as specified in the relevant Rules prescribed in that behalf by the High Court. All Participants shall wear formal attire. The decision of the Judge or Presiding Officer as to the dress code will be final.
- 1.2. Judicial Proceedings shall be conducted at the specified date and time. Punctuality shall be scrupulously observed.
- 1.3. The case will be called out and appearances shall be recorded on the direction of the Court.
- 1.4. Every Participant shall adhere to the courtesies and protocol that is applicable to a physical Court.
- 1.5. Advocates, parties in person and other Participants shall keep their microphones muted till such time as they are called upon to make submissions.
- 1.6. Remote Users shall ensure that their devices are free from malware.
- 1.7. Remote Users and the Coordinator at the Remote Site shall ensure that the Remote Site is situated in a quiet location, properly secured and has sufficient internet coverage. Any unwarranted disturbance caused during video conferencing may, if the Presiding Judge so directs, render the proceedings non-est.
- 1.8. All Participants' cell phones shall remain switched off or in air - plane mode during the proceedings.
- 1.9. All Participants shall remain attentive to the court proceedings and not engage in any other activity during the course of the proceedings.

2. Facilities recommended for Video-Conferencing

The following facilities are recommended for conducting Judicial Proceedings by Video-Conferencing at the Court and Remote Site :

- (i) Desktop, laptop, mobile devices with necessary software and internet connectivity;
- (ii) Printer;
- (iii) Scanners, including colour scanner;
- (iv) Device ensuring uninterrupted power supply;
- (v) Camera ;
- (vi) Microphones and speakers ;
- (vii) Display unit ;
- (viii) Document visualizer ;

- (ix) Provision of a firewall;
- (x) Adequate seating arrangements ensuring privacy;
- (xi) Adequate lighting; and
- (xii) Availability of a quiet and secure space

3. Preparatory Arrangements

- 3.1. There shall be a Coordinator at the Court Site for all hearings by Video-conference. At the Remote Site, a Coordinator is mandatory only when a witness or a person accused of an offence is to be examined.
- 3.2 In the civil and criminal courts falling within the purview of the district judiciary, persons nominated by the High Court or the District Judge concerned shall perform the functions of Coordinators at the Court as well as the Remote Site.
- 3.3 The Coordinator at the respective Remote Site shall preferably be:

<i>Sub Rule</i>	<i>Where the Advocate or Participant is at the following Remote Site:-</i>	<i>The Remote Site Coordinator shall be:-</i>
3.3.1	Overseas	An official of an Indian Consulate /the relevant Indian Embassy/the relevant High Commission of India
3.3.2	Court of another state or union territory within the territory of India	Any authorized official nominated by the concerned District Judge.
3.3.3	Mediation Centre or office of District Legal Services Authority (including Taluka Legal Services Committee)	Any authorized official nominated by the Chairperson Or Secretary of the concerned District Legal Services Authority.
3.3.4	Jail or prison	The concerned Jail Superintendent or Officer in-charge of the prison.
3.3.5	Hospitals administered by the Central Government, the State Government, local bodies	Medical Superintendent or an official authorized by them or the person in Charge of the said hospital
3.3.6	Observation Home, Special Home, Children's Home, Shelter Home, or any institution referred to as a child facility (collectively referred to as child facilities) and where the Required Person is a juvenile or a child or a person who is an inmate of such child facility.	The Superintendent or Officer in charge of that child facility or an official authorized by them.
3.3.7	Women's Rescue Homes, Protection Homes, Shelter Homes, Nari Niketans or any institution referred to as a women's facility (collectively referred to as women's facilities).	The Superintendent or Officers In- charge of the women's facility or an official authorized by them.
3.3.8	In custody, care or employment of any other government office, organization or institution (collectively referred to as institutional facilities).	The Superintendent or Officers in-charge of the institutional facility or an official authorized by them.
3.3.9	Forensic Science Lab	The Administrative Officer In-charge or their nominee.
3.3.10	In case of any other location	The relevant Court may appoint any person deemed fit and proper who is ready and willing to render their services as a Coordinator to ensure that the proceedings are conducted in a fair, impartial and independent manner and according to the directions issued by the Court in that behalf.

- 3.4 Notwithstanding anything contained in sub-clauses 3.3.1 to 3.3.9 above, in appropriate cases, for reasons to be recorded in writing, the Court may appoint a person, other than those specified in Column 2 of the above table, who is fit and proper to serve as a Coordinator.
- 3.5 When a Participant is at any of the Remote Sites mentioned above in sub-clauses 3.3.1 to 3.3.10 and Video-conferencing facilities are not available at any of these places, the Court concerned will formally request the District Judge, in whose jurisdiction the Remote Site is situated, to appoint a Coordinator for and to provide a Video-Conferencing facility from proximate and suitable Court premises.
- 3.6 Coordinators at both the Court and Remote Site shall ensure that the recommended facilities set out in Clause 2 above are available so as to ensure that Judicial Proceedings are conducted seamlessly. Where there is no Coordinator at the Remote Site, the respective Participant shall coordinate with the Coordinator at the Court Site so as to ensure seamless Video-Conferencing at the respective Remote Site.
- 3.7 The Coordinator at the Remote Site shall ensure that:
- 3.7.1 All Advocates and/or Participants scheduled to appear in a particular Judicial Proceeding are ready at the Remote Site designated for video conferencing at least 30 minutes before the scheduled time.
 - 3.7.2 The Judicial Proceeding is not recorded at the Remote Site.
 - 3.7.3 No unauthorised person enters the video conference room while the video conference is in progress.
 - 3.7.4 The person being examined is not prompted, tutored, coaxed, induced or coerced in any manner by any person and that the person being examined does not refer to any document, script or device without the permission of the Court concerned during the course of examination.
- 3.8 Where the witness to be examined through video conferencing so requires or, if it is otherwise expedient to do so, the Court shall give sufficient notice in advance, setting out the schedule of video conferencing and, in appropriate cases, may transmit non-editable digital scanned copies of all or any part of the record of the proceedings to the official email account of the Coordinator of the Remote Site designated in accordance with this Practice Direction.
- 3.9 On or before the scheduled video conferencing date, as appropriate, the Coordinator at the Court Site shall ensure the following:
- 3.9.1 That Live Links are provided to each of the Participants. Ordinarily, not more than three Live Links shall be provided to each party, including for the Advocates or Authorized Representatives engaged by such party.
 - 3.9.2 That access to the Live Link is provided to the Participants before the scheduled hearing.
 - 3.9.3 That all Participants register their name prior to the hearing and, where appropriate, provide identity documents.
 - 3.9.4 That no person shall record the Judicial Proceedings at the Court Site save and except an officer of Court duly authorized in that regard.
 - 3.9.5 That the Coordinator at the Remote Site, where appropriate, receives certified copies, print-outs or a soft copy in non-editable scanned format of all or any part of the record of proceedings, which may be required for the hearing in the opinion of the Court. However, these shall be permitted to be used by the Participant only with the permission of the Court.
 - 3.9.6 That access of the Participant to the Live Link is withdrawn immediately after the conclusion of the hearing.
- 3.10 Whenever required, the Court shall order the Coordinator at the Remote Site or the Court Site to provide :
- 3.10.1 A translator in case the person to be examined is not conversant with the official language of the Court.
 - 3.10.2 An expert in sign languages in case the person to be examined is impaired in speech and/or hearing.
 - 3.10.3 An interpreter or a special educator, as the case may be, in case a person to be examined is differently-abled, either temporarily or permanently. This requirement shall not apply to a mentally disabled person and the procedure prescribed by Applicable Law shall apply in that regard.

4. Ensuring seamless video conferencing

- 4.1. The Advocate or Authorized Representative or Participant, as the case may be, shall address the Court by video conferencing from a specified Remote Site on the date and time specified in the order issued by the Court. The nomination of and presence of the coordinator at the Remote Site is mandatory if Video-Conferencing is for the examination of a witness but for other purposes, it shall be at the discretion of the Court.

- 4.2. If Judicial Proceedings are conducted from any Remote Site (in situations described in PD-VC 3.3.1 to 3.3.9), the Coordinator at such Remote Site shall ensure compliance with all technical requirements. However, if Judicial Proceedings are conducted from a Remote Site in the situation contemplated under PD-VC 3.3.10, such as an Advocate's office, the Coordinator at the Court Site shall ensure compliance with all technical requirements for conducting video conferencing at both the Court Site and Remote Site.
- 4.3. The Coordinator at the Court Site shall be in contact with the Advocates, Authorized Representatives or Participants and guide them in regard to the fulfilment of technical and other requirements for executing a successful hearing through video conferencing. Any problems faced by such Remote Users shall be resolved by the Court Site Coordinator. The Court Site Coordinator shall *Inter Alia* share the Live Link with such Remote Users.
- 4.4. The Coordinator at the Court Site shall ensure that any document or audio-visual files, emailed by the Remote User, are duly received at the Court Site.
- 4.5. The Coordinator at the Court Site shall also conduct a trial Video-Conferencing, preferably 30 minutes prior to the scheduled Video-Conferencing, in order to ensure that all the technical systems are in working condition at both the Court Site and Remote Site.
- 4.6. At the scheduled time, the Coordinator at the Court Site shall connect the Remote User to the Court Site by Video-Conferencing.
- 4.7. On completion of the Video Conferencing proceeding, the Court shall mention in the order sheet the time and duration of the proceeding, the technology used (in case the software used is not the Designated Video Conferencing Technology), the issue(s) on which the Court was addressed and the documents if any that were produced and transmitted online. In case a digital recording is tendered, the Court shall record its duration in the order sheet along with all other requisite details.
- 4.8. The Court shall also record its satisfaction as to audio and video clarity, and connectivity for both Court Users and Remote Users.
- 4.9. On the completion of Video-Conferencing, if a Remote User is of the opinion that they were prejudiced due to poor video and/or audio quality, the Remote User shall immediately inform the Coordinator at the Court Site, who shall, in turn, communicate this information to the Court without any delay. The Court shall consider the grievance and, if it finds substance in the grievance, may declare the hearing to be incomplete and the parties may be asked to re-connect or make a physical appearance in Court.

5. Conduct of Proceedings

- 5.1. All Advocates, Authorized Representatives and Participants shall substantially abide by the requirements set out in these Practice Directions.
- 5.2. Before the commencement of Video Conferencing, all Participants shall have their presence recorded. However, in case a Participant is desirous that his/her face or name be masked, information to that effect should be furnished to the Court Coordinator prior to the commencement of the proceeding and the Court Coordinator shall obtain appropriate orders from the Court in this regard.
- 5.3. The Court Coordinator shall send the Live Link / Meeting ID / Room Details *via* the email Id / mobile number furnished by the Advocate or Participant. Once the proceedings have commenced, no other persons will be permitted to participate in the hearing, save and except with the permission of the Court.
- 5.4. The Participants, after joining the hearing, shall remain in the virtual lobby, if available, until they are admitted to virtual hearing by the Coordinator at the Court Site.
- 5.5. Participation in the Judicial Proceedings shall constitute consent by the Participants to such proceedings being recorded at the Court Site.
- 5.6. Establishment and disconnection of links between the Court Site and the Remote Site would be regulated by orders of the Court.
- 5.7. The Court shall satisfy itself that the Advocate, or any other Participant that the Court deems necessary at the Remote or the Court Site can be seen and heard clearly and can clearly see and hear the Court.
- 5.8. To ensure that Video Conferencing is conducted seamlessly, the difficulties, if any, experienced in connectivity must be brought to the notice of the Court at the earliest on the official email address and mobile number of the Court Site Coordinator, which has been furnished to the Participant before the commencement of the virtual hearing.
- 5.9. Whenever any Judicial Proceeding is conducted by the Court under these Rules by taking recourse to Video Conferencing, this shall specifically be mentioned in the order sheet.

6. General procedure

- 6.1 The Coordinator at the Court Site shall ensure that video conferencing is conducted only through Designated Video Conferencing Technology. However, in the event of a technical glitch during a given proceeding, the Court concerned may, for reasons to be recorded in writing, permit the use of technology other than the Designated Video Conferencing Technology for Video-Conferencing in that particular proceeding.
- 6.2 The identity of the person to be examined shall be confirmed by the Court with the assistance of the Coordinator at the Remote Site in accordance with Rule 3(9), at the time of recording of the evidence and the same must be reflected in the order sheet of the Court.
- 6.3 In civil cases, parties requesting for recording statements of the person to be examined by Video Conferencing shall confirm to the Court, the location of the person, the willingness of such person to be examined through Video Conferencing and the availability of technical facilities for video conferencing at the agreed upon time and place.
- 6.4 In criminal cases, where the person to be examined is a prosecution witness or a Court witness, or where a person to be examined is a defence witness, the counsel for the prosecution or defence, as the case may be, shall confirm to the Court the location of the person, willingness to be examined by video conferencing and the time, place and technical facility for such Video-Conferencing.
- 6.5 In case the person to be examined is an accused, the prosecution will confirm the location of the accused at the Remote Site.
- 6.6 Video-Conferencing shall ordinarily take place during Court hours. However, the Court may pass suitable directions concerning the time and schedule of Video-Conferencing as the circumstances may warrant.
- 6.7 If the accused is in custody and not present at the Court Site, the Court will order a multi-video conference between itself, the witness and the accused in custody to facilitate recording of the statement of the witness (including medical or other expert). The Court shall ensure that the defence of the accused is not prejudiced in any manner and that the safeguards contained in Rule 8.3 are observed.
- 6.8 The Coordinator at the Remote Site shall be paid such amount as honorarium as may be directed by the Court in consultation with the parties.

7. Oral Arguments

- 7.1. The procedure for oral arguments before physical Courts shall apply *Mutatis Mutandis*.
- 7.2. Participants intending (i) to cite authorities (whether judicial precedents or extracts from textbooks etc.); and/or (ii) notes of arguments shall ensure that physical or electronic copies thereof are made available at the Court Site and serve copies thereof on the other Participant(s) prior to the commencement of Video-Conferencing.

8 . Costs of Video-Conferencing

- 8.1 In the absence of rules prescribed by the relevant Court, the Court may take into consideration the following circumstances when determining and/or apportioning the costs of Video-Conferencing:
 - 8.1.1 In criminal cases, the expenses of the Video-Conferencing facility, including expenses involved in preparing soft copies / certified copies of the court record and transmitting the same to the Coordinator at the Remote Site, and the fee payable to the translator / interpreter / special educator, as the case may be, as also the fee payable to the Coordinator at the Remote Site, shall be borne by such party as directed by the Court.
 - 8.1.2. In civil cases, generally, the party making the request for recording evidence through video conferencing, shall bear the expenses.
- 8.2 Besides the above, the Court may also make an order as to expenses as it considers appropriate, taking into account rules / instructions regarding payment of expenses to the complainant and witnesses, as may be prevalent from time to time.
- 8.3 It shall be open to the Court to waive the costs as warranted in a given situation.

The Madras High Court Designation Of Senior Advocates Rules, 2020.*(R.O.C. No. 36685/2017/F2)*

No.SRO C-8/2020.

In exercise of the powers conferred by Section 34(1) read with Section 16(2) of the Advocates Act, 1961, the High Court of Judicature at Madras hereby makes the following Rules: -

1. Short Title, Extent And Commencement: -

- (1) These Rules shall be called "The Madras High Court Designation of Senior Advocates Rules, 2020",
- (2) These Rules shall extend to the entire jurisdiction of the High Court at Madras, including its Bench at Madurai.
- (3) These Rules shall come into force from the date of its publication in the Official Gazette of the State Government.

2. Definitions:

- (1) '**Advocate**' means an Advocate entered in any roll under the provisions of the Advocates Act, 1961.
- (2) '**Advocate General**' means the Advocate General for the State of Tamil Nadu;
- (3) '**Advocates Act**' means Advocates Act, 1961 (Act 26 of 1961);
- (4) '**Chief Justice**' means Chief Justice of the Madras High Court;
- (5) '**High Court**' means the Madras High Court;
- (6) '**Permanent Committee for Designation of Senior Advocates**' means the Committee headed by the Hon'ble the Chief Justice and consisting of the two senior-most Judges of the High Court, the Advocate-General and one nominated member from the Bar;
- (7) '**Permanent Secretariat**' means the Establishment for processing proposals or applications for designation of Senior Advocates, as decided by the Chief Justice from time to time;
- (8) '**Senior Advocate**' means an Advocate designated as a Senior Advocate under Section 16 (2) of the Advocates Act, 1961;
- (9) '**Website**' means the official website of the Madras High Court.

3. Permanent Committee For Designation Of Senior Advocates:-

- (1) All matters relating to designation of Senior Advocates in the High Court shall be dealt with by the Permanent Committee for designation of Senior Advocates, which will be headed by the Chief Justice and consist of the two Senior-most Judges of the High Court, the Advocate General and a designated Senior Advocate of the Bar to be nominated by the members of the Permanent Committee.
- (2) The Committee constituted under Sub-Rule (1) shall have a Secretariat, the composition of which will be decided by the Chief Justice of the High Court, in consultation with other members of the Committee.
- (3) The Committee may issue such directions from time to time as deemed necessary regarding functioning of the Secretariat, including the manner in which, and the source from which the necessary data and information with regard to designation of Senior Advocates are to be collected, compiled and presented.

4. Qualification Criteria:-

- (1) An Advocate will be qualified to be designated as a 'Senior Advocate', if he:
 - (a) has completed 45 years of age and is ordinarily practicing in the Madras High Court or its Bench at Madurai and Courts Subordinate to it, including Tribunals for not less than 10 years preceding the date of consideration of his application for designation as Senior Advocate; or
 - (b) has 15 years combined standing as an Advocate or a District and Sessions Judge, or as a Judicial Member of any Court or Tribunal in India whose qualification for eligibility for such appointment, is not less than that prescribed for appointment as a District Judge; and
 - (c) is an Income-tax assessee for the previous 10 consecutive years. The Advocate shall furnish copies of the annual income tax returns for the preceding 10 years duly certified by a Chartered Accountant.
 - (d) exhibits distinction and eminence for legal acumen and special knowledge and maintains integrity, reputation and high ethical standards expected of a Senior Advocate both inside and outside the Court;
 - (e) has 15 judgments to his credit, in the preceding five years, where he has contributed to the growth of law;
- (2) No Advocate is eligible to be designated as a 'Senior Advocate', if
 - (a) a charge has been framed for an offence involving moral turpitude or he has been convicted by any court of law for an offence involving moral turpitude or
 - (b) any proceeding for professional misconduct is pending before the Bar Council or if he has been found guilty of professional misconduct by the Bar Council

- (c) any contempt of court proceedings are pending before any Court of Law or if he has been found guilty of contempt of court.
- (3) The Permanent Committee and the Full Court shall take into account the caliber, merit and ability and academic distinction of the Advocate concerned, including his character, conduct and behavior towards the court and other members of the Bar.

5. Modes Of Proposal & Method Of Submission:-

- (1) An Advocate, who fulfills the eligibility criteria, may be considered for being designated as Senior Advocate either:
 - (a) on a written recommendation by the Chief Justice or any permanent Judge of the High Court, made after a due assessment that the Advocate concerned deserves such designation for his ability, eminence, distinction, special knowledge in law, participation in pro-bono work etc; or
 - (b) on a proposal for designation as Senior Advocate by two designated Senior Advocates of having a standing of fifteen years as Senior Advocate of the Madras High Court; or
 - (c) on an Application by an Advocate, endorsed by two designated Senior Advocates of having a standing of fifteen years as Senior Advocate of the Madras High Court.

- (2) No Judge or Senior Advocates of having a standing of fifteen years as Senior Advocate shall propose names of more than two Advocates for designation in one calendar year.
- (3) Every application or proposal for designation as Senior Advocate shall be submitted to the Permanent Secretariat and the Permanent Secretariat, in turn, shall place the papers before the Permanent Committee for scrutiny and consideration during its sittings, as fixed by the Permanent Committee.
- (4) Every proposal by two Senior Advocates of having a standing of fifteen years as Senior Advocate for designation as Senior Advocate shall be submitted as per Form in Appendix-A, annexed to these Rules.

Provided that the proposal from the Chief Justice or a Permanent Judge of the Madras High Court need not be submitted in the prescribed Form, but once the proposal is received, the Permanent Secretariat shall request such Advocate to submit an application in the Form prescribed in Appendix-A, within 15 days, duly complying with all the provisions of these Rules and the requirements stipulated in the Form.

- (5) Along with the requisite forms, the Advocate concerned shall submit a self-attested certificate to the effect that he has not applied to the Supreme Court or any other High Court, seeking designation as Senior Advocate and that his Application has not been rejected by the Supreme Court or any other High Court, within a period of two years prior to the date of proposal or application.
- (6) Canvassing in any form by the candidate or the proposer shall render him disqualified from being considered for designation.

6. Receipt & Processing Of Proposals Or Applications.

- (1) All proposals or applications shall be submitted to the Permanent Secretariat which shall scrutinize the same as per the directions and instructions given by the Permanent Committee from time to time and, in case of any defect being found in the Application, the Permanent Secretariat shall intimate the Advocate concerned of the defect, which shall be rectified forthwith.
- (2) Thereafter, the Permanent Secretariat shall compile data, apart from what is submitted by the candidate, containing exhaustive information, from such source or sources as the Permanent committee may direct with regard to the Advocate's reputation, conduct, integrity, participation in pro-bono work, publications and reported judgments of the previous five years in which the Advocate has actually appeared and argued.
- (3) The Permanent Secretariat shall publish the proposal for designation on the Website of Madras High Court, inviting views and suggestions within 30 days from the date of such publication, with verifiable materials.
- (4) The Permanent Secretariat shall not receive any anonymous or pseudonymous petitions or views and only such submissions, views or suggestions, which are submitted in physical form in writing with verifiable materials, bearing the name and full address of the addressor shall be entertained.
- (5) The Permanent Secretariat, after completion of the above procedure, shall submit on every proposal or application, a report along with the comprehensive individual data, to the Permanent Committee.

7. Procedures To Be Followed By The Permanent Committee & Designation Process:-

- (1) The Permanent Committee shall meet atleast once in a year.
- (2) The Permanent Committee will assess each proposal or application in the light of the material submitted by the Permanent Secretariat, and shall take into account the suggestions, views or objections received by the Permanent Committee.
- (3) The Permanent Committee may interact with the Advocate for his overall assessment, which shall be on the

basis of the point-based format provided in 'Appendix-B' appended to these Rules.

- (4) Any proposal or Application deferred by the Permanent Committee shall not be considered until the expiry of one year from the date of deferment.
- (5) All names that are listed before and cleared by the Permanent Committee, along with the recommendation or specific remarks if any, of the Permanent Committee, shall be placed before the Full Court for approval.
- (6) Voting by secret ballot will not normally be resorted to by the Full Court except when unavoidable.
- (7) The decision shall be carried by a majority. However, in case of a tie, the Chief Justice shall have a second and casting vote.
- (8) Any case that has not been favourably considered by the Full Court may be reviewed or reconsidered after expiry of a period of two years following the manner indicated above as if the proposal is being considered afresh.

8. On Designation Of Advocates As Senior Advocates:-

- (1) On designation as a Senior Advocate, the Advocate concerned shall not:
 - a) file any Vakalat or Memo of Appearance,
 - b) appear before any court, tribunal or judicial authority unless assisted by another Advocate,
 - c) directly give consultation to any litigant,
 - d) appear for mentioning any matter to the Court nor seek an adjournment in any Court,
 - e) accept instruction to draw pleadings or affidavits, advise on evidence or do any drafting or work of an analogous nature in any Court or Tribunal, or undertake conveyancing work of any kind whatsoever. However, these prohibitions shall not extend to settling any such matter as aforesaid in consultation with an instructing advocate,
 - f) be a standing counsel of any Government, Public Sector undertaking, institution or local corporate body and if he holds such a position, he shall resign or relinquish the same upon being designated a Senior Advocate.
- (2) Upon designation as Senior Advocate, the name of such Senior Advocate shall be entered in the Roll of Senior Advocates to be maintained by the Registry and an order to that effect shall be issued conferring such distinction on the Advocate, by the Registrar General, whereupon, the Advocate shall thereafter be addressed as a 'Senior Advocate' of the High Court.
- (3) Upon an Advocate being designated as Senior Advocate, the Registrar General, shall communicate the same to the Supreme Court of India, all the High Courts, Bar Council of India, the State Bar Councils and the Bar Associations of the Madras High Court and Madurai Bench.

9. Privileges Of The Senior Advocate:-

A Senior Advocate:

- (a) shall have a preferential right of audience in all Courts according to seniority;
- (b) shall be entitled to wear special robes meant for Senior Advocates;
- (c) shall be entitled to such other rights and privileges conferred by the practice of Senior Advocate under the Advocates Act, 1961.

10. Withdrawal Of Designation By The Court:-

In the event that a Senior Advocate is found guilty of any professional conduct or for involvement in any alleged offence involving moral turpitude or is found guilty of contempt of court or found guilty of misconduct by the Bar Council, rendering him unworthy to continue as Senior Advocate, the Full Court may review its decision to designate the person concerned and recall the same, after complying with the principles of natural justice, and the decision to recall the designation shall be intimated / notified in the same manner as provided in Rule 8(3) of these Rules.

11. Interpretation Clause:-

All questions and issues on interpretation of these Rules shall be referred to the Hon'ble the Chief Justice, for being placed before Permanent Committee and then to Full Court whose decision thereon shall be final.

12. Repeal & Savings:-

The existing Norms of the Madras High Court for designating an Advocate as a Senior Advocate are hereby repealed. However, this repeal shall not invalidate the previous actions taken under those Norms. All pending applications, proposals or recommendations for designation shall be returned to the Advocate concerned for applying afresh in accordance with these Rules.

APPENDIX-A (FORM)**APPLICATION-CUM-CONSENT LETTER FOR BEING DESIGNATED AS SENIOR ADVOCATE
FOR ADVOCATES-ON-RECORD / ADVOCATES**

Recent Passport
size Photograph to
be affixed here

1.	Name of the Applicant – Advocate (Mr./Mrs./Ms.)	
2.	Father's Name	
3.	Date of Birth	
4.	Age (as on date)	
5.	ADDRESS IN FULL Office Address	
	Residential Address	
6.	Contact Details Landline No. Mobile No. Email, if any	
7.	Educational / Professional Qualifications	
8.	Date of Enrolment as Advocate	
9.	Bar Council E.No. and where registered	
10.	Whether Member of any Bar Association, if so, specify:	
11.	Field/s of law in which the Applicant has Specialisation / Expertise (Special knowledge or experience in law)	

12.	Number of Reported / Unreported Judgments, showing his appearance (List of such citations to be provided in separate sheet)	
13.	Details of Pro bono work during previous five years: (with details of cases)	
14.	Whether holds / held any position in Bar Council / Bar Association; if so, details thereof	
15.	Have you ever been arrested/ Prosecuted / FIR filed / detained / fined / Convicted / debarred at the time of filling up this form/ If "yes" give particulars, thereof,	
16.	Whether any proceedings were initiated or pending against you before Bar Council of India or State Bar Council. If so, particulars thereof	
17.	General state of health	
18.	Any other information, in this regard:	

DECLARATION:

I _____ Advocate, do hereby declare that the particulars furnished by me are true and correct and that no material fact has been suppressed by me. I further declare that neither any proceeding is pending against me before any Bar Council for any professional misconduct nor any Contempt Proceedings before any Court of Law and that I never involved in a criminal activity.

(Signature of Applicant)

Note: Applicants should read the instructions attached herewith before filling up the Application-cum-Consent Letter.

GENERAL INSTRUCTIONS TO BE FOLLOWED WHILE FILLING UP "APPLICATION – CUM – CONSENT LETTER" FOR BEING DESIGNATED AS SENIOR ADVOCATE.

1.	Every Application-cum-consent Letter, in the prescribed format shall be made in English, typed/printed with font size (Arial-12) in double spacing on one side of the white paper (A4 Size) with an inner margin of about four centimeters width on top and on the left side.
2.	Document and accompanying the Application should be numbered consecutively in the Index, in all sets of Application (The Registry, at any stage, may ask for supportive documents for verification in the light of the facts mentioned in the Application).
3.	Name of the Applicant should tally with his name as mentioned in his enrolment certificate. Abbreviated name will NOT be accepted.
4.	The Application should be presented in the shape of a Paper Book, duly tagged & indexed and not in spiral binding and the like.
5.	All photocopies of the accolades/testimonials should be legible and true copy of their respective originals.
6.	Application in the form of file, identical in all respects with sufficient copies shall be furnished to the Secretariat.
7.	Passport size photograph (original) should be pasted on each copy of the Application-cum-consent Letter.
8.	The Application should be accompanied by its soft copy in a searchable PDF format in a pen drive.

APPENDIX-B**POINT BASED ASSESSMENT OF SHRI _____, ADVOCATE
OR BEING DESIGNATED AS A SENIOR ADVOCATE**

Sl. No.	Matter	Points
1	Number of years of practice of the Advocate from the date of enrolment. (10 points for 10 - 20 years of practice, 20 points for practice beyond 20 years)	20 points
2	Judgments (Reported and unreported) which indicate the legal formulations advanced by the Advocate in the course of proceedings of the case; pro-bono work done by the Advocate; domain expertise of the Advocate in various branches of law, such as Constitutional Law, Inter-state Water Dispute, Criminal Law, Property Law, Service Law, Arbitration Law, Corporate Law, Family Law, Human Rights, Public Interest Litigation, International Law, Law relating to Women, Customary Laws in the State of Tamil Nadu and Puducherry etc.	40 points
3	Publications by the Advocate	15 points
4	Personality & Suitability test on the basis of interview/interaction	25 points

High Court, Madras,
2nd July 2020.

C. KUMARAPPAN,
Registrar General.